


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY  D.C.

05 MAY -5 AM 11:12

GARY SMITH,

Plaintiff,

vs.

SPRINT, PCS,

Defendant.

ROBERT R. DI IORIO
CLERK, U.S. DIST. CT.
W.D. OF TN, MEMPHIS

No. 04-2995MaV

ORDER GRANTING MOTION TO WAIVE RULE 26(a)(1) AND 26(f)
REQUIREMENTS

Before the court is the April 7, 2005 motion of the defendant, Sprint, PCS, pursuant to Rule 26(a)(1) and 26(f) of the Federal Rules of Civil Procedure, to waive the mandatory disclosure requirements of Rule 26(a)(1) and the parties' pre-discovery planning meeting required by Rule 26(f). The motion was referred to the undersigned United States Magistrate Judge for determination.

Pursuant to Local Rule 11(a)(2), responses to motions in civil cases are to be filed within fifteen days after service of the motion. The plaintiff has not filed a response to this motion, and the time for responding has now expired. Rule 11(a)(2) further provides that "[f]ailure to respond timely to any motion . . . may be deemed good grounds for granting the motion."



In the absence of any response by the plaintiff, the defendant's motion is granted. The requirements of Rule 26(a)(1) and 26(f) are waived in this matter. The parties may otherwise engage in general discovery at this time.

IT IS SO ORDERED this 4th day of May, 2005.

A handwritten signature in cursive script, reading "Diane K. Vesco".

DIANE K. VESCOVO
UNITED STATES MAGISTRATE JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 8 in case 2:04-CV-02995 was distributed by fax, mail, or direct printing on May 5, 2005 to the parties listed.

Gary Smith
400 South Highland Street #829E
Memphis, TN 38111

Steven W. Likens
HUSCH & EPPENBERGER, LLC- Memphis
200 Jefferson Ave.
Ste. 1450
Memphis, TN 38103

Honorable Samuel Mays
US DISTRICT COURT